

August 18, 2020

Via ECF

Hon. Denise L. Cote
United States District Court
Southern District of New York
500 Pearl Street, Room 1910
New York, NY 10007

MEMO ENDORSED

Re: *Picard v. Clark*, No. 19 Civ. 3059 (DLC)

Dear Judge Cote,

We represent Plaintiff in the above-referenced action. We write to request an extension of time for Plaintiff's counsel to file his motion for attorneys' fees, related nontaxable expenses, and taxable expenses. This is Plaintiff's first motion for an extension of time.

Judgment was entered in Plaintiff's favor in this matter on August 14, 2020. Pursuant to Federal Rule of Civil Procedure 54(d)(2) and Local Rule 54.1, the deadline for Plaintiff to submit a motion for attorneys' fees and related nontaxable expenses is August 28, 2020, and the deadline for Plaintiff to seek taxable costs is September 14, 2020.

Plaintiff requests that his deadline to file a motion for attorneys' fees, related nontaxable expenses, and taxable costs be extended to the later of either twenty-one days following the last day to appeal from the Judgment in this action or, if any appeal is taken, to twenty-one days following the termination of the appeal (defined as dismissal of the appeal or issuance of the Second Circuit's mandate). An extension would promote judicial economy by deferring litigation over Plaintiff's request for attorneys' fees and costs until after the merits, and Plaintiff's prevailing party status under 42 U.S.C. § 1988(b), have been finally resolved. *See, e.g., Mahny Mgmt. Corp. v. Incorporated Vill. of Garden City*, 44 Supp. 3d 283, 285–86 (E.D.N.Y. 2014).

Defendant Magliano does not oppose this motion. Defendant Clark consents to Plaintiff's request to extend the deadline to twenty-one days after the last day to appeal from the Judgment in this action; however, Defendant Clark opposes Plaintiff's request to extend the deadline to twenty-one days following the termination of any appeal that may be taken from the Judgment. In support of her position, Defendant Clark asserts that an appeal may take a lengthy amount of time, that she would like this action to be finally resolved, and that denying Plaintiff's request would not prejudice any party.



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We appreciate the Court's attention to this matter.

Plaintiff shall file any motion for attorneys' fees and costs within twenty-one days of the final day to appeal from the Judgment in this action.

Dated: August 19, 2020



DENISE COTE

United States District Judge

Respectfully submitted,

/s/ Brian Hauss

Brian Hauss

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CC: All Counsel (by ECF)